

Message Text

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PAGE 01 MANILA 01732 010857Z
ACTION EA-12

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FM AMEMBASSY MANILA
TO SECSTATE WASHDC 1130

UNCLAS MANILA 1732

E.O. 11652: N/A
TAGS: SHUM, RP
SUBJECT: AQUINO CASE: BUSCAYNO TESTIFIES BEFORE SUPREME COURT

REF: 77 MANILA 19798

1. SUPREME COURT RESUMED HEARINGS JANUARY 31 ON MOTIONS TO DISMISS OR TRANSFER CASE OF AQUINO, BUSCAYNO AND CORPUZ. AS NOTED REFTEL, COURT HEARD AQUINO TESTINONY IN MID-DECEMBER AND RECESSED FOR 45 DAYS TO ALLOW BOTH DEFENSE AND PROSECUTION TO PREPARE WRITTEN REPLIES TO SEVERAL QUESTIONS. BUSCAYNO (AKA COMMANDER DANTE), LIKE AQUINO, SEEKS TO HAVE CASE BEFORE MILITARY TRIBUNAL DISMISSED ON GROUNDS OF LACK OF JURISDICTION AND DENIAL OF RIGHTS TO FAIR HEARING.

2. ACCORDING TO GOP'S PHILIPPINE NEWS AGENCY, BUSCAYNO CLAIMED HE WAS FORCED TO SIGN A WAIVER OF HIS RIGHT TO PARTICIPATE IN HIS TRIAL. HIS ATTORNEY, JUAN DAVID, ARGUED THAT THE WAIVER WAS EQUIVALENT TO A DENIAL OF HIS CONSTITUTIONAL RIGHT TO DUE PROCESS. IN REBUTTAL SOLICITOR GENERAL MENDOZA READ FROM TRIBUNAL TRANSCRIPTS, ARGUING THAT BUSCAYNO FREELY ACKNOWLEDGED "THE GENUINENESS OF HIS WAIVER."

3. NEXT HEARING IS SET FOR FEBRUARY 7. JOVITO SALONGA, AQUINO'S CHIEF LEGAL ADVISER, TOLD EMBOFF HE ASKED FOR
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ONE-WEEK DELAY OF CONTINUED HEARINGS BECAUSE HE WAS RPEOCCUPIED WITH ELECTION PREPARATIONS. AS NOTED REFTEL, TRIBUNAL IS UNDER FORMAL REQUEST FROM SUPREME COURT NOT TO RESUME ORIGINAL TRIAL UNTIL PENDING MOTIONS ARE RESOLVED.
NEWSOM

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Message Attributes

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